

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

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EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
AUG 08 2016

In the matter of:) BOEE Case No. 16-74
) (Folder # 330820)
BRIAN POTTEBAUM,)
) **COMBINED STATEMENT OF**
Respondent.) **CHARGES, SETTLEMENT**
) **AGREEMENT, AND FINAL ORDER**

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this Combined Statement of Charges, Settlement Agreement, and Final Order shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Respondent is charged with misrepresentation or falsification of information, in violation of 282 Iowa Administrative Code rule 25.3(3)(b) or (e), by falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, or other governmental agencies or by falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

STIPULATIONS

1. Respondent holds a PROFESSIONAL ADMINISTRATOR LICENSE (FOLDER #330820) with PK-8 Principal and Evaluator endorsements, which is current and will next expire on March 31, 2019. Respondent also holds an expired STANDARD LICENSE with K-6 elementary classroom and K-8 social studies endorsements, an expired SUBSTITUTE LICENSE, and an expired COACHING AUTHORIZATION.

2. During the events of this case, Respondent was employed as an elementary principal with the Jesup Community School District.

3. On March 31, 2016, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On June 17, 2016, the Board found probable cause to proceed to hearing on the charges based upon the facts set forth below.

5. Respondent provided unauthorized accommodations to children who were not qualified for accommodations. The accommodations included photocopied test booklets provided to students, students provided answers in the photocopied test booklets, and adults later used the answers in the test booklets to fill out the students' answer sheets. This process is not in accordance with test administration procedures.

6. Respondent signed a test administration assurance for the Department of Education that affirmed he would not "copy, reproduce, or use in any manner any portion of the secure test booklet, for any reason," would not "change or fill in answers on student answer documents," and would not "provide inappropriate assistance to students during test administration."

SETTLEMENT AGREEMENT

7. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within six months from the date the Board approves the settlement.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my teaching license.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

8/5/2016
Date

Brian Pottebaum
Brian Pottebaum, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.
2. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within six months from the date of this order.
3. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 7th day of September, 2016.



Dr. Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Brian Pottebaum
RESPONDENT

Julie J. Bussanmas
ATTORNEY FOR THE STATE